

Exhibit 1

1 Q. So you assumed it was the ground?

2 A. Yes.

3 Q. Would it surprise you to learn that the coal in
4 the coal field at Tonawanda Coke, the surface
5 throughout that coal field, consists of 1 to 3 or
6 4 feet of coal?

7 MR. PIAGGIONE: Objection. Again, your
8 Honor, this is not facts in evidence.

9 THE COURT: Yeah, sustained.

10 BY MR. LINSIN:

11 Q. Did you do anything to inspect that surface of
12 the coal field during your RCRA compliance
13 inspection?

14 A. No.

15 Q. But your recollection is clear, that during
16 this June 2009 RCRA compliance inspection,
17 Mr. Kamholz told you that they were recycling their
18 K087 waste in the coal field --

19 A. Correct.

20 Q. -- correct?

21 A. Correct.

22 Q. And isn't it true, Mr. Corbett, that what
23 Mr. Kamholz told you actually during that
24 inspection was that the coal tar was placed on the
25 coal piles? Isn't that what he said to you?

1 A. I don't recall that.

2 Q. All right. May I please have for
3 identification Government's Exhibit 3509.05?

4 Do you see a yellow sticker up here, sir,
5 Government Exhibit 3509.05?

6 A. Yes, I do.

7 Q. Okay. And do you recall being interviewed on
8 October 21st, 2009, by Special Agent Brian Kelly,
9 regarding your inspection at the Tonawanda Coke
10 facility?

11 A. Yes, I do.

12 Q. All right. May we please go to page 2 of this
13 exhibit. And enlarge this paragraph, please? I'm
14 sorry. Could we have the prior paragraph?

15 I'm going to ask you to read this paragraph
16 first and then the second paragraph on this page,
17 Mr. Corbett. Read it silently to yourself, please.

18 I apologize. I apologize. Is this 3509.05?
19 Yes. All right. Can we just enlarge those two
20 paragraphs, please, on the second page of this
21 exhibit.

22 A. Would you like me to read both of these
23 paragraphs?

24 Q. Just read them to yourself, and then I have a
25 question to ask you after you read them. Just let

1 me know when you're finished reading them.

2 A. Okay.

3 Q. All right. Can we take this down, please?

4 Do you now remember, Mr. Corbett, what you told
5 the investigators in October of 2009 concerning
6 what Mr. Kamholz told you about where this K087 was
7 being recycled?

8 A. Yes.

9 Q. What did you tell them?

10 A. I told them it was being done on the ground in
11 the coal field area.

12 Q. Isn't it true, Mr. Corbett, isn't it true that
13 on October 21st, 2009, you told the criminal
14 investigators that Mr. Kamholz had told you four
15 months previous that coal tar from the tanks was
16 being put on the coal piles prior to baking the
17 coal to make coke?

18 MR. PIAGGIONE: Objection, your Honor. We
19 need -- there is a clarification needed. That
20 paragraph that was read referred to the September
21 inspection, not the June 1, and now he's asking
22 about the June 1, as if those statements were made
23 in June.

24 THE COURT: All right. Well, let's get a
25 time frame clarification.

1 BY MR. LINSIN:

2 Q. Is that your recollection, Mr. Corbett, that in
3 June Mr. Kamholz told you just generally that the
4 recycling was occurring on the coal fields, and in
5 September, when you went back, he said it was being
6 recycled on the piles?

7 A. Well, the clarification is it's being spread on
8 coal in the coal field.

9 Q. All right. But the question I was asking you,
10 and it's a narrow one, did Mr. Kamholz tell you
11 that the recycling was occurring on the coal piles?

12 A. Coal pile located in the coal field.

13 Q. Fair enough. Coal piles in the coal field,
14 correct?

15 A. Correct.

16 Q. All right. Now, this is information you had
17 during the June 17th, 2009, RCRA compliance
18 inspection, correct? Where the recycling was
19 occurring, you knew that, correct?

20 A. Yes.

21 Q. Now, based on your years of experience, and at
22 least your views of this recycling operation that
23 was being described, did you at that time believe
24 that the recycling process that Mr. Kamholz
25 described was in compliance with the RCRA